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Mr. HILLHOUSE'S SPEECH,

IN THE SENATE,

On the Resolution to Repeal the Embargo,

DECEMBER 2D, 1808 :



JUN 14 1935

IN ANSWER TO Mr. GILES'S SECOND SPEECH,

DELIVERED ON THE SAME DAY.

Mr. PRESIDENT,

HAVING already occupied so much of the time of the senate (to whom my acknowledgements are due for the candid attention with which they have heard me) I shall not now trespass on their patience, by again going into the argument at large, in answer to the remarks of the gentleman from Virginia, (Mr. Giles) upon what has been said by the gentleman from Massachusetts, (Mr. Pickering) and myself.— The answer to most of these remarks will be found in the statements and observations already submitted to the consideration of the senate. Such of the gentleman's remarks as consist merely in *peremptory* denials or *positive* declarations, as to questions of public concernment, and are unsupported by a statement of facts or reasons, merit no reply, and will receive none from me. On two points only shall I remark: the resolution of the senate in 1806, and the British orders in council as connected with the act of parliament, laying the duties complained of.

The resolution is in these words. 'Resolved, that the President of the United States be requested to demand the restoration of the property of the citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great-Britain, prohibited in time of peace; and the indemnification of such American citizens for the losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British government, on this and other differences sub-

* sisting between the two nations (and particularly respecting the impressment of American seamen) as may be consistent with the honor and interest of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled.' This says the gentleman from Virginia, was in the nature of an instruction to the President of the U. States, so understood by the senate at the time, *that the flag of the United States should protect all persons on board American vessels*: he therefore could do no otherwise than make it an *ultimatum*. This is the apology, and the only apology, offered by the gentleman for the President's having made it a *positive* article of his instructions. It cannot be justified to the nation, that it should be made an *ultimatum*, after it had been ascertained that the point would not be conceded by the British government, and thereby hazard the *peace*, and the then prosperous commerce of our country, upon a vain attempt to secure *foreigners*, and most of them British subjects, on board American vessels, from impressment. That Great-Britain or any other nation, should be allowed to impress *real American* seamen was a point that could not be yielded. But far different is the President's claim, that the American flag should protect *all persons* sailing under it. The resolution is before the senate; it speaks no such language; and did it warrant the risking of the *peace* and *prosperity* of the nation on such an *ultimatum*.* The resolution, among other causes of difference, mentions that of the "impressment of *American seamen*," as a subject of "amicable negotiation." There is not the most remote intimation that it was the wish of the senate, that the United States should set up the lofty pretension, that the American *merchant flag* should protect all persons sailing under it; a pretension which we had not one line of battle ship to enforce. I cannot find in the resolution an expression of the opinion of the senate, that *any* point of difference should be made an *ultimatum*. The *whole* was left open to *amicable negotiation and arrangement*. This would have accorded with the wise policy which was adopted in 1794, and was successful. That such was not my understanding of the resolution as the gentleman from Virginia now contends for, he must be satisfied, when I remind him of what took place three or four days before the late rejected treaty, (or rather a copy of it) reached this city; when that gentleman declared, that 'if the treaty did not contain a positive stipulation that the American flag should protect *all persons* sailing under it, and in every sea, it would be sent back.' I replied, 'then the treaty will be sent back;' for it had been

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ascertained to my satisfaction, that Great-Britain would not agree to such a stipulation, until she was prepared to surrender her fleet, and yield up her naval superiority. Knowing that gentleman to be in the confidence of the President, I was astonished to hear the declaration; and then, for the first time, suspected that any such instructions could have been given. Had the question been put to the senate, or to the American people—will you risk your best interests, and even your honor and independence (which we are now told are at stake) in an attempt to protect foreigners on board American vessels, from impressment, *those very foreigners whom the administration now have it in contemplation to exclude altogether from our service?* What answer would have been given? I leave every man possessing *real patriotism* and *truly American feelings* to give the answer. It is well known that a copy only of the treaty reached this city, on the 3d of March 1807, the day congress closed their session; which copy was shewn to the President; and on the evening of the same day, he announced, not to the senate, but to some individuals of that body, that the treaty would not be submitted to the senate. At this time, the original treaty, and the dispatches from our ministers which accompanied the same and explained its various provisions, had not reached our shores; for on my arrival at New-York on my way to Connecticut, from the seat of government, which I left on the 4th of March, I found Mr. Purviance a special messenger, had just arrived there with the treaty and dispatches for our government. It was impossible therefore, that the President should have formed any correct opinion of its merits. Not finding the proposed stipulation respecting the *American flag*, he decided, according to the prediction of the gentleman from Virginia, against the treaty. Tho' it was matter of great convenience to our merchants to employ foreigners, to aid in carrying on their extensive and profitable commerce; yet it was not an object of such importance as that it would be wise to jeopardise that very commerce and other important interests, merely to protect these *foreigners from impressment*. As to *real American seamen*, the British government never claimed the right of *impressing them*. The only difficulty has been to devise some mode of discriminating American from British seamen. Had we not persisted in our claim that the American flag should protect *all seamen*, there is little doubt but that some mode would have been found out to make the discrimination, and have prevented many of the evils we have suffered from the impressment of *American seamen*.

It appears from the documents communicated the last session, that the same *ultimatum* was contained in the instructions of 1804,* which will account for the failure of the negotiations which have been carrying on for so many years. And is it not to be lamented that our having demanded as an *ultimatum* what it was well known would not be granted, has given to the whole negotiation the air of insincerity? It is so much the interest of Great Britain, and nations are usually governed by their interest, to be at peace with the U. S. that I cannot but entertain a hope, that if a negotiation was commenced and conducted with the same spirit, and with that liberal policy which governed in the negotiation of 1794, it would have a like successful termination.

A few remarks on the subject of the British orders in council, and the act of parliament, shall close my observations. The gentleman from Virginia asks in emphatic language, are you prepared to submit to an act of parliament imposing a tax? are you prepared to pay tribute to, and be colonized by Great Britain? I answer NO. I will never voluntarily yield what we waged war and encountered all the difficulties of a revolution to obtain. Whenever there is an attempt by Great Britain or any other nation, to impose those evils upon us, I shall be prepared to apply the proper remedy. But an embargo is not that remedy. I can never consent to inflict stripes on our own backs for the faults of others.

To make myself understood, let me put a plain case or two. Supposing orders in council were to issue declaring it lawful to carry on a free trade from Boston to Alexandria, are we to abandon that trade through fear that we should be thought to submit to British orders? British orders in council granting us permission to trade where we had a previous right, would be futile and ought not to prevent our pursuing our trade upon the ground of our antient right. So our carrying on trade with all such places as we have heretofore been accustomed to trade with, though they may come within the purview of the British orders, might be carried on without submission, without disgrace.

Suppose another case, that orders in council should prohibit a direct trade between Boston and Alexandria, and subject all vessels to capture and condemnation, that did not first touch at Halifax, pay duties and take a licence: at the same time an act of parliament should pass laying an export duty of ten per cent on all exports from Halifax, of what should we have a right to complain? Surely not of the act of parliament; that would be a mere municipal regulation, laying a duty on exports, which parliament might have a right to do, though by

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the constitution of the United States it is forbidden to Congress. As well might Great Britain complain of the drawback duty of three per cent. laid on her products when exported from the United States. What we should have a right to complain of, what we should complain of, would be the orders in council, as a gross violation of our rights, and a most unwarrantable encroachment upon our sovereignty and independence, to which we could not submit without dishonour, which ought and must be resisted. Let me ask, would it be proper, in the proposed case, for the purpose of avoiding *submission* and a *surrender* of our independence, to lay an *embargo* on the ports of Boston and Alexandria, and thereby not only cut off their trade with each other, but with all the world ? I should call this *submission*, the most *tame*, *dishonourable*, *cowardly submission*.

Mr. President—*Submission* is a word I utterly discard. It is a word not to be found in the political dictionary of New England. It is because I am not for submission ; it is because I am for *preserving* our independence and honour that I am for repealing the embargo.

*NOTE.

Articles of instructions from the President of the United States, to Mr. Munroe, January 5th, 1804.

FIRST PROPOSAL.

‘ No person whatever
‘ shall upon the high
‘ seas, and without the
‘ jurisdiction of either
‘ party, be demanded or
‘ taken out of any ship
‘ or vessel belonging to
‘ citizens or subjects of
‘ one of the parties, by
‘ the public or private
‘ armed ships belonging
‘ to or in the service of
‘ the other, unless such
‘ person be, at the time,
‘ in the military service
‘ of an enemy of such
‘ other party.”

SECOND AND ULTIMATUM.

“ No seaman, seafaring, or other person
‘ shall, upon the high seas, and without
‘ the jurisdiction of either party, be de-
‘ manded or taken out of any ship or ves-
‘ sel belonging to the citizens or subjects
‘ of one of the parties, by the public or
‘ private armed ships belonging to or in
‘ the service of the other party, and strict
‘ and effectual orders shall be given for
‘ the due observance of this engagement ;
‘ but it is to be understood that this article
‘ shall not exempt any person on board
‘ the ships of either of the parties from
‘ being taken therefrom by the other party,
‘ in cases where they may be liable to
‘ be so taken according to the laws of na-
‘ tions, which liability, however, shall
‘ not be construed to extend in any case
‘ to seamen or seafaring persons being
‘ actually part of the crew of such vessel
‘ in which they may be, nor to persons of
‘ any description passing from one port to
‘ another port of either of the parties.”

In the instructions of May 7th, 1806.

ULTIMATUM.

“ No seaman nor seafaring person shall upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship or vessel belonging to the citizens or subjects of one of the parties, by the public or private armed ships or men of war belonging to or in the service of the other party ; and strict orders shall be given for the due observance of this engagement.”

MR. HILLHOUSE'S SPEECH.

DECEMBER 2d, 1808.

On a motion to refer the resolution for repealing the Embargo, to the committee to whom was referred so much of the message of the President of the United States, as relates to the several embargo laws, to examine and report whether any further measures are now necessary to enforce a due observance thereof.

MR. PRESIDENT,

I hope the senate will not agree to the present motion.—Such a reference would be in direct contradiction to the object of the appointment of that committee; who are to propose measures for *enforcing* the embargo; and it would be absurd to refer to them a resolution for *repealing* it. Which commission are they first to execute? If the laws are to be *repealed* they want no *amendment*; and while preparing *amendments* it would be absurd to take into consideration the propriety of a *repeal*. I hope the resolution will not be referred to any committee. It is of the utmost importance that we should come to a speedy decision. If the embargo is not to be repealed, it ought to be known. Surely it cannot be the intention, it cannot be the wish of gentlemen unnecessarily to add to the sufferings of the people, already beginning to be intolerable. The season is fast approaching when the rivers will be closed with ice, and the means of sending the produce of the country to market obstructed. Under an expectation that the embargo would be raised, vessels are preparing for sea; and produce is finding its way to the great capitals for exportation. The farmers, the favorites of the gentleman from Virginia (Mr. Giles) as he says, but who will be very apt to think he has chosen an unfortunate mode (a *perseverance* in the *embargo system*) of shewing his love for them—the farmers, I say, want to know whether they are to continue to fatten their beef and their pork, which is done at great expense—and to thresh out and manufacture their wheat into flour—all which would turn to little account if the embargo is to be continued and more rigorously enforced.

Why, let me ask, should we avoid the question? It has been fully discussed; and it is not a select committee, but the whole senate that ought to pronounce on a measure of such

magnitude—a measure which touches the interest and feeling of every individual. A reference to a committee, or any postponement, will be sporting with the deepest interests of the nation. The people ought not to be thus *irifled* with. They are *men*—they are *freemen*—nay more, they are the *sovereigns* of the country; and, to use the expression of a gentleman lately a member on this floor, but now executing the first office of the state of Maryland, “*we are their servants.*” And shall we who are entrusted with the management of the great affairs of state, and hold suspended on the vote we are about to give, the most important interests of the nation, not dare to do our duty? Shall we, when a *storm*, a *tempest* threatens our country with overwhelming destruction, hide ourselves in a committee room, and there, in a *secret meeting*, and with *closed doors*, decide a question which we ought to meet in the face of the whole nation, that they may see and know how we conduct their affairs? No, sir, our situation requires that we take the front rank. If we lead the way the people will follow, and support every efficient measure which shall be found necessary to vindicate our wounded honor. But if we *shrink* from our duty, or adopt *feeble, timid, cowardly* measures the people will *despise* and *forsake* us. In the clear sun-shine, and with a fair gentle breeze, the cabin boy can steer the ship—but when the tempest rages it requires the able seamen to be on deck—and the most experienced and skillful pilot to take the helm. No man is fit to preside over the destinies of a nation, who, in perilous times, is afraid to *risque* his *popularity* for the *public safety*.

Sir, the resolution on your table has undergone ample discussion—it is a resolution on which the people have a right to expect a prompt decision. A direct negative is preferable to a state of suspense. I hope, sir, we shall reject all motions for commitment or delay, and have a question on the resolution.

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